

1 EDMUND G. BROWN JR.
Attorney General of the State of California
2 CHRISTOPHER E. KRUEGER
Senior Assistant Attorney General
3 DOUGLAS J. WOODS
Supervising Deputy Attorney General
4 SUSAN K. LEACH, State Bar No. 231575
Deputy Attorney General
5 300 South Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 897-2105
Fax: (213) 897-1071
7 Email: Susan.Leach@doj.ca.gov

8 Attorneys for Ron Diedrich, in his official capacity as
Director and Chief Administrative Law Judge of the
9 State of California Office of Administrative Hearings

10
11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
13

14 **C.S., by and through his Conservator,**
15 **MARY STRUBLE, on behalf of himself and**
all others similarly situated,

16 Plaintiff,

17 v.

18 **CALIFORNIA DEPARTMENT OF**
19 **EDUCATION, a State Agency,**

20 Defendant.

Case No. 08 CV0226 W AJB

**JOINT MOTION OF ALL PARTIES
FOR CONTINUANCE OF THE EARLY
NEUTRAL EVALUATION AND
RELATED DATES**

Hearing: May 5, 2008

Judge: The Honorable Anthony J. Battaglia

21
22 Defendants and plaintiff jointly move this court for a continuance of the Early Neutral
23 Evaluation, and all related dates, of the above entitled action currently scheduled for May 5, 2008
24 to May 27, 2008 or such other date as the Court deems reasonable.

25 Good cause exists for this request, as a motion for a temporary restraining order is currently
26 pending in this action before the Honorable Thomas J. Whelan. The motion for a temporary
27 restraining order proceeded as a noticed motion and is now fully briefed with a hearing date
28 scheduled for April 28, 2008. Although it is possible that the motion will be decided prior to

1 May 5, 2008, it is unlikely to be resolved prior to the date when defendants' settlement briefs are
2 due and possible that it will not be decided prior to May 5, 2008. All parties agree that
3 discussion of settlement is premature prior to a ruling on the motion for a temporary restraining
4 order.

5 Thus, the parties jointly and respectfully request that a short continuance of the Early
6 Neutral Evaluation be granted and the Early Neutral Evaluation be held May 27, 2008 and that
7 plaintiff's settlement brief will be due May 12, 2008 and defendants' settlement brief will be due
8 May 19, 2008.

9
10 Dated: April 23, 2008

By: /s/ Susan Leach

11 Susan K. Leach
12 Office of the Attorney General
13 300 South Spring Street, Suite 1702
14 Los Angeles, CA 90013
15 Attorneys for Ron Diedrich, in his official capacity as
16 Director and Chief Administrative Law Judge of the
17 State of California Office of Administrative Hearings

18 By: /s/ Gabriel C. Vivas

19 Gabriel C. Vivas Deputy General Counsel
20 California Department of Education
21 1430 N Street, Room 5319
22 Sacramento, CA 95814
23 Attorneys for California Department of Education

24 By: /s/ Ellen Dowd

25 Ellen Dowd
26 2685 Del Mar Heights Road #228
27 Del Mar, CA 92014
28 Attorney for Plaintiff, C.S.